

# Town Board Minutes

March 16, 2009

Meeting No. 10

A Regular Meeting of the Town Board of the Town of Lancaster, Erie County, New York, was held at the Town Hall at 21 Central Avenue, Lancaster, New York on the 16<sup>th</sup> day of March 2009 at 8:00 P.M. and there were

**PRESENT:** JOHN ABRAHAM , COUNCIL MEMBER  
DANIEL AMATURA, COUNCIL MEMBER  
RONALD RUFFINO, COUNCIL MEMBER  
DONNA STEMPIAK, COUNCIL MEMBER  
ROBERT GIZA, SUPERVISOR

**ABSENT:** NONE

**ALSO PRESENT:** JOHANNA COLEMAN, TOWN CLERK  
JOHN DUDZIAK, TOWN ATTORNEY  
LEONARD CAMPISANO, ASSISTANT BUILDING INSPECTOR  
GARY STOLDT, CHIEF OF POLICE  
DAVID MARRANO, ASSESSOR  
TERRENCE McCRACKEN, GENERAL CREW CHIEF  
RICHARD REESE JR., HIGHWAY SUPERINTENDENT  
ROBERT HARRIS, ENGINEER, WM. SCHUTT & ASSOCIATES

## PERSONS ADDRESSING TOWN BOARD:

**Beutler, Daniel**, spoke to the Town Board on the following matters:

- memorialize NYS Governor re: Highway Superintendent
- monitoring of salvage yards
- Union contracts

**Chowaniec, Lee**, spoke to the Town Board on the following matter:

- revaluation of assessments
- Sec. 339Y Real Property Tax Law

**Billier, Josh**, spoke to the Town Board on the following matter:

- salvage yards

**Czerniejewski, Thomas**, spoke to the Town Board on the following matter:

- sanitary sewer back up in basements

**Fronczak, Mike**, spoke to the Town Board on the following matters:

- language used in resolutions - “lowest responsible bidder”
- split of bid into three contracts
- salvage yards

**Lukowski, Donna**, spoke to the Town Board on the following matter:

- FEMA map update

**Hanguar, Carmen**, spoke to the Town Board on the following matter:

- flight pattern at Lancaster airport

**Symer, Donald**, spoke to the Town Board on the following matters:

- memorialize NYS Governor re: Highway Superintendent
- salvage yards
- flood plain map change

**PUBLIC HEARING SCHEDULED FOR 8:30 P.M.:**

At 8:30 P.M., the Town Board held a Public Hearing to hear all interested persons upon a proposed amendment to the Vehicle & Traffic Ordinance of the Town of Lancaster for speed regulations on Schwartz Road.

The affidavits of publication and posting of this Public Hearing are on file and a copy of the Legal Notice has been posted.

<b>Proponent/ NAME OF PERSONS ADDRESSING THE BOARD ON THIS SUBJECT</b>	<b>Opponent/ Comments/Questions</b>
None	

ON MOTION BY COUNCIL MEMBER RUFFINO, SECONDED BY COUNCIL MEMBER AMATURA AND CARRIED, the public hearing was closed at 8:30 P.M.

The Town Board, later in the meeting, adopted a resolution, hereafter spread at length in these minutes, taking favorable action upon this matter.

March 16, 2009

**PUBLIC HEARING SCHEDULED FOR 8:35 P.M.:**

At 8:35 P.M., the Town Board held a Public Hearing to hear all interested persons upon a proposed Local Law of the Year 2009 entitled “Flood Plain Map Revision”.

The affidavits of publication and posting of this Public Hearing are on file and a copy of the Legal Notice has been posted.

<b>Proponent/ NAME OF PERSONS ADDRESSING THE BOARD ON THIS SUBJECT</b>	<b>Opponent/ Comments/Questions</b>
Lee Chowaniec	Questions
Roy Schneggenburger	Questions

ON MOTION BY COUNCIL MEMBER AMATURA, SECONDED BY COUNCIL MEMBER STEMPIAK AND CARRIED, the public hearing was closed at 8:45 P.M.

The Town Board, later in the meeting, adopted a resolution, hereafter spread at length in these minutes, taking favorable action upon this matter.

March 16, 2009

**PUBLIC HEARING SCHEDULED FOR 8:40 P.M.:**

At 8:45 P.M., the Town Board held a Public Hearing to hear all interested persons upon the application of Julie & Daniel Curtis for a Special Use Permit for a Home Occupation (woodcraft/gift shop) at 732 Aurora Street.

The affidavits of publication and posting of this Public Hearing are on file and a copy of the Legal Notice has been posted.

<b>Proponent/ NAME OF PERSONS ADDRESSING THE BOARD ON THIS SUBJECT</b>	<b>Opponent/ Comments/Questions</b>
Daniel & Julie Curtis, the petitioners	Proponents
James Hill	Proponent
Jorge Koury	Proponent
Jason Fuller	Proponent
Todd Adamek	Proponent

ON MOTION BY COUNCIL MEMBER RUFFINO, SECONDED BY  
COUNCIL MEMBER AMATURA AND CARRIED, the public hearing was closed at 8:55 P.M.

Decision on this matter was reserved .

March 16, 2009

**PRESENTATION OF PREFILED RESOLUTIONS BY COUNCIL MEMBERS:**

THE FOLLOWING RESOLUTION WAS OFFERED  
BY SUPERVISOR GIZA, WHO  
MOVED ITS ADOPTION, SECONDED BY  
COUNCIL MEMBER RUFFINO, TO WIT:

**RESOLVED,** that the minutes of the Regular Meeting of the Town Board held  
March 2, 2009 be and are hereby approved.

The question of the adoption of the foregoing resolution was duly put to a vote on  
roll call, which resulted as follows:

COUNCIL MEMBER ABRAHAM	VOTED YES
COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

March 16, 2009

File: RMIN (P1)

THE FOLLOWING RESOLUTION WAS OFFERED  
BY COUNCIL MEMBER ABRAHAM, WHO  
MOVED ITS ADOPTION, SECONDED BY  
COUNCIL MEMBER AMATURA, TO WIT:

**WHEREAS**, Dennis Haniszewski, d/b/a Ransom Auto Parts Inc., 867 Ransom Road, Lancaster, New York 14086 has applied for a renewal license to conduct a salvage yard on premises situate at 867 Ransom Road within the Town of Lancaster, pursuant to Chapter 4-3 of the Code of the Town of Lancaster, and

**WHEREAS**, the application was referred to the Town Board for review and recommendation, and

**WHEREAS**, the Building Inspector, by letter dated March 2, 2009, has notified the Town Board that he has completed his review and made a formal, favorable recommendation thereto,

**NOW, THEREFORE, BE IT**

**RESOLVED**, that Dennis Haniszewski, d/b/a Ransom Auto Parts Inc., 867 Ransom Road, Lancaster, New York be and is hereby authorized to conduct a salvage yard on premises situate at 867 Ransom Road, Lancaster, New York for the period January 1, 2009 to December 31, 2009 in strict conformance with the application of the petitioner as filed in the Office of the Town Clerk.

The question of the adoption of the following resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER ABRAHAM	VOTED YES
COUNCIL MEMBER AMATURA	VOTED NO
COUNCIL MEMBER RUFFINO	VOTED NO
COUNCIL MEMBER STEMPIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

March 16, 2009

THE FOLLOWING RESOLUTION WAS OFFERED  
BY SUPERVISOR GIZA, WHO  
MOVED ITS ADOPTION, SECONDED BY  
COUNCIL MEMBER ABRAHAM, TO WIT:

**WHEREAS**, the economic downturn is having a critical impact on everyday Americans who are struggling to maintain or find jobs in an increasingly difficult environment, and

**WHEREAS**, those same Americans are the taxpayers that provide the revenue needed to operate essential government services, and

**WHEREAS**, Congress and President Obama are planning a taxpayer-sponsored economic recovery package that will provide billions of dollars to help economically devastated cities and states immediately provide jobs to millions of out-of-work Americans through considerable infrastructure rebuilding, green energy projects and other projects that will require manufactured components, and

**WHEREAS**, our taxpayer dollars should be spent to maximize the creation of American jobs and restoring the economic vitality of our communities, and

**WHEREAS**, any domestically produced products that are purchased with economic recovery plan monies will immediately help struggling American families and will help stabilize our greater economy, and

**WHEREAS**, any economic recovery plan spending should-to every extent possible-include a commitment from the Town of Lancaster to buy materials, goods, and services for projects from companies that are produced within the United States, thus employing the very workers that pay the taxes for the economic recovery plan spending in the first place.

**THEREFORE, BE IT**

**RESOLVED**, that the Town of Lancaster will work to maximize the creation of American jobs and restoring economic growth and opportunity by spending economic recovery plan funds on products and services that both create jobs and help keep Americans employed.

**BE IT FURTHER**

**RESOLVED**, that the Town of Lancaster will commit to purchasing only products and services that are made or performed in the United States of America whenever and wherever possible with any economic recovery monies provided to the Town of Lancaster by the American taxpayers, and

**BE IT FURTHER**

**RESOLVED**, that the Town of Lancaster commits to publish any requests to waive these procurement priorities so as to give American workers and producers the opportunity to identify and provide the American products and services that will maximize the success of our nation's economic recovery program.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER ABRAHAM	VOTED YES
COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

March 16, 2009



THE FOLLOWING RESOLUTION WAS OFFERED  
BY COUNCIL MEMBER STEMPIAK, WHO  
MOVED ITS ADOPTION, SECONDED BY  
COUNCIL MEMBER AMATURA, TO WIT:

**WHEREAS**, the Municipal Home Rule Law of the State of New York and Chapter 26 of the Code of the Town of Lancaster provide for the adoption and enactment of local laws, and

**WHEREAS**, a proposed Local Law of the Year 2009 entitled “FLOOD PLAIN MAP REVISION” which will amend the Code of the Town of Lancaster by adding Section 21.6 (A) (4) to Chapter 21 “Flood Plains”, Article III, “General Provisions”, Section 21-6., was introduced to the Town Board of the Town of Lancaster on the 23<sup>rd</sup> day of February, 2009, and

**WHEREAS**, a Public Hearing was duly called and held pursuant to law on March 16, 2009;

**NOW, THEREFORE, BE IT**

**ENACTED**, by the Town Board of the Town of Lancaster, a Local Law of the Year 2009, entitled “FLOOD PLAIN MAP REVISION” which will amend the Code of the Town of Lancaster by adding Section 21.6 (A) (4) to Chapter 21 “Flood plains”, Article III, Section 21.6, which reads as follows:

**Chapter 21**

**FLOOD PLAINS**

**ARTICLE III, General Provisions**

**Section 21-6. Basis for establishing areas of special flood hazard.**

**Local Law No. 1  
Of the Year 2009**

**A LOCAL LAW OF THE YEAR 2009 ENTITLED “FLOOD PLAIN MAP REVISION”, WHICH WILL ADOPT A FLOOD PLAIN MAP REVISION PROMULGATED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA), TO AMEND THE CODE OF THE TOWN OF LANCASTER BY ADDING SECTION 21-6 (A) (4) TO CHAPTER 21, “FLOOD PLAINS” ARTICLE III, SECTION 21-6., AND**

**BE IT ENACTED**, by the Town Board of the Town of Lancaster, New York as follows:

The Code of the Town of Lancaster is hereby amended by enacting the Local Law of the Year 2009 entitled “FLOOD PLAIN Map Revision” which adds Section 21-6 (A) (4) to Chapter 21, “Flood plains”, Article III, “General Provisions”, Section 21-6. of the Town Code which reads as follows:

**§21-6. Basis for establishing areas of special flood hazard.**

A. The areas of special flood hazard are identified and defined on the following documents prepared by the Federal Emergency Management Agency:

(1)  
.....

(4)  
LOMR effective August 28, 2008, FEMA case number 07-02-0974P, revising FIRM panel 0010C, and the Flood Insurance Study Profile 15P.

**NOW, THEREFORE, BE IT**

**RESOLVED**, that the Town Clerk of the Town of Lancaster shall:

- (1.) Immediately post a copy of Local Law No. 1 of the Year 2009 on the Town Bulletin Board.
- (2.) Within ten (10) days publish a certified copy of the Local Law abstract thereof describing the same in general terms in the Lancaster Bee, declared the official newspaper for this publication.
- (3.) Maintain a file in the Town Clerk’s office on Local Law No.1 of the Year 2009, with all the proofs of publication and posting required for adoption.

(4.) File certified copies of Local Law No. 1 of the Year 2009 within ten (10) days of adoption with:

- a) Town Clerk’s office
- b.) One (1) copy with the office of the Secretary of State

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER ABRAHAM	VOTED YES
COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

March 16, 2009

**LEGAL NOTICE**  
**NOTICE OF ADOPTION**  
**LOCAL LAW NO. 1 OF THE YEAR 2009**  
**TOWN OF LANCASTER**

**PLEASE TAKE NOTICE** that there has been adopted by the Town Board of the Town of Lancaster, Erie County, New York, on March 16, 2009, Local Law No. 1 of the Year 2009, entitled “Floodplain Map Revision” which adds Section 21-6 (A) (4) to Chapter 21 “Floodplains” Article III, Section 21-6. of the Code of the said Town, briefly described as follows:

**“A LOCAL LAW WHICH WILL ADOPT A FLOOD PLAIN MAP REVISION  
PROMULGATED BY THE FEDERAL EMERGENCY MANAGEMENT  
AGENCY (FEMA)”**

**TOWN BOARD OF THE  
TOWN OF LANCASTER**

**By: JOHANNA M. COLEMAN  
Town Clerk**

March 16, 2009

THE FOLLOWING RESOLUTION WAS OFFERED  
BY COUNCIL MEMBER RUFFINO, WHO  
MOVED ITS ADOPTION, SECONDED BY  
COUNCIL MEMBER AMATURA, TO WIT:

**WHEREAS**, a Public Hearing was held on the 16<sup>th</sup> day of March, 2009, for the purpose of amending Chapter 46-Vehicle and Traffic Ordinance of the Code of the Town of Lancaster, and persons for and against such amendment have had an opportunity to be heard, and

**WHEREAS**, a Notice of said Public Hearing was duly published and posted;

**NOW, THEREFORE, BE IT**

**RESOLVED**, as follows:

1. That Chapter 46, Vehicle and Traffic Ordinance of the Code of the Town of Lancaster be amended in the form attached hereto and made a part hereof;
2. That said amendment be added in the minutes of the meeting the Town Board of the Town of Lancaster held on March 16, 2009;
3. That a Certified Copy thereof be published in the Lancaster Bee on March 19, 2009,
4. That a Certified copy of the amendment be posted on the Town Bulletin Board;
5. That Affidavits of Publication and Posting be filed with the Town Clerk;
6. That the Highway Superintendent take whatever action is necessary to install signs in accordance with the Law.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER ABRAHAM	VOTED YES
COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

March 16, 2009

**LEGAL NOTICE  
NOTICE OF ADOPTION  
AMENDMENT TO VEHICLE & TRAFFIC ORDINANCE  
TOWN OF LANCASTER, COUNTY OF ERIE, STATE OF NEW YORK**

**NOTICE IS HEREBY GIVEN** that the Vehicle and Traffic Ordinance of the Town of Lancaster, Erie County, New York, designated as Chapter 46 of the Code of the Town of Lancaster is hereby amended as follows:

**CHAPTER 46**

**ARTICLE IX - Speed Regulations**

**§46-9. Maximum speed limits.**

D. A speed limit of 45 miles per hour shall be posted on the following designated highways:

.....

- (18) Schwartz Road, for northbound and southbound traffic, from Broadway to Westwood Road.

March 16, 2009

**STATE OF NEW YORK     :**  
**COUNTY OF ERIE             :**  
**TOWN OF LANCASTER   :**

**THIS IS TO CERTIFY** that **I, JOHANNA M. COLEMAN**, Town Clerk of the Town of Lancaster in the said Town of Lancaster in the said County of Erie, have compared the foregoing copy of an amendments to the Vehicle and Traffic Ordinance of the Town of Lancaster, with the original thereof filed in my office at Lancaster, New York on the 16<sup>th</sup> day of March, 2009, and that the same is a true and correct copy of said original, and of the whole thereof.

**IN WITNESS WHEREOF**, I have hereunto set my hand and affixed the Seal of said Town, this 16<sup>th</sup> day of March 2009.

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\_\_\_\_\_  
Johanna M. Coleman, Town Clerk

THE FOLLOWING RESOLUTION WAS OFFERED  
BY SUPERVISOR GIZA, WHO  
MOVED ITS ADOPTION, SECONDED BY  
COUNCIL MEMBER STEMPIAK, TO WIT:

**WHEREAS**, Lancaster Town Band, Inc., by letter dated March 6, 2009, has informed the Town Board that it has raised \$25,000 as their direct contribution for the construction of a Town Band Shell, and

**WHEREAS**, Lancaster Town Band, Inc. desires to present their contribution to the Town, and

**WHEREAS**, the Town Board of the Town of Lancaster after due review and consideration has determined that the Town can make use of such a contribution and that it is in the public interest to accept such as a gift.

**NOW, THEREFORE, BE IT**

**RESOLVED**, that the Town Board of the Town of Lancaster hereby authorizes the acceptance of a gift in the amount of \$25,000 from the Lancaster Town Band, Inc., to be used for costs associated with the construction of the Town Band Shell.

The question of the adoption of the foregoing resolution was duly put to a vote, on roll call, which resulted as follows:

COUNCIL MEMBER ABRAHAM	VOTED YES
COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

March 16, 2009

THE FOLLOWING RESOLUTION WAS OFFERED  
BY SUPERVISOR GIZA, WHO  
MOVED ITS ADOPTION, SECONDED BY  
COUNCIL MEMBER RUFFINO, TO WIT:

**WHEREAS**, a vacancy exists in the Parks, Recreation and Forestry  
Department in the Town of Lancaster in the position of Clerk Typist, and

**WHEREAS**, the current competitive civil service list for the position of Clerk  
Typist has been duly canvassed by the General Crew Chief, and Rose Ann Brunstad qualifies  
for appointment to this position pursuant to the procedures as set forth in the Civil Service Law,  
and

**WHEREAS**, authorization for such appointment was received from Erie  
County Personnel Department.

**NOW, THEREFORE, BE IT  
RESOLVED**, as follows:

1. That Rose Ann Brunstad, Lancaster, New York be and is hereby appointed to the  
permanent civil service position of Clerk Typist, full-time, in the Parks,  
Recreation and Forestry Department, with full benefits, effective March 17, 2009.
2. That the salary for this position shall be on step for the period March 17, 2009 -  
March 16, 2010, with a starting salary of \$32,218.00 per annum which is 85% of  
the full rate of \$37,904.00, with subsequent salary steps in accordance with the  
CSEA White Collar Bargaining Agreement.
3. That the Supervisor take the necessary action with the Personnel Officer of the  
County of Erie to accomplish the foregoing.

The question of the adoption of the foregoing resolution was duly put to a vote on  
roll call which resulted as follows:

COUNCIL MEMBER ABRAHAM	VOTED YES
COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

March 16, 2009



THE FOLLOWING RESOLUTION WAS OFFERED  
BY SUPERVISOR GIZA, WHO  
MOVED ITS ADOPTION, SECONDED BY  
COUNCIL MEMBER AMATURA, TO WIT:

**WHEREAS**, the Town Board of the Town of Lancaster after review and consideration has deemed it in the public interest to construct a Town Band Shelter in the Town of Lancaster, New York, and

**WHEREAS**, the Town has \$125,000 for this project from a gift it accepted from Tops Markets which funds are in a capital project established by Town Board by resolution dated July 7, 2008, and

**WHEREAS**, the Town has accepted a gift in the amount of \$25,000 from Lancaster Town Band, Inc., which funds when received will be placed in the capital project established by Town Board by resolution dated July 7, 2008, and

**WHEREAS**, the Town Board desires to designate additional funding for this project to be made available from the Recreation Filing Fees fund in an amount not to exceed \$104,580, said amount to be offset by any further gifts and/or grant monies received for this project, and

**WHEREAS**, the Town Board has previously duly advertised for bids for construction of a Town Band Shelter utilizing three prime contracts for General Construction, Electrical Work, and Glu-Laminated Structure Work, and

**WHEREAS**, bids were opened and reviewed on February 25, 2009, and

**WHEREAS**, Wm. Schutt & Associates, P.C., the Town's consulting engineer by letter dated March 4, 2009 has recommended award of the bids as follows:

General Construction to MGR Constructors, Inc., P.O. Box 61, Bowmansville, New York 14086 being the lowest responsible bidder in the amount of \$172,000.00 and

Electrical Work to Hildreth Electric, P.O. Box 555, Lockport, New York 14095 being the lowest responsible bidder in the amount of \$26,200.00 and

Glu-Laminated Structure to Wilsandra Construction, 300 Camden Avenue, Buffalo, New York 14216 being the lowest responsible bidder in the amount of \$56,380.00;

**NOW, THEREFORE, BE IT**

**RESOLVED**, that the Town Board of the Town of Lancaster hereby awards the contracts for construction of a Town Band Shelter to the following:

General Construction to MGR Constructors, Inc., in the amount of \$172,000 and

Electrical Work to Hildreth Electric, in the amount of \$26,200 and

Glu-Laminated Structure to Wilsandra Construction, in the amount of \$56,380 being the lowest responsible bidders in conformance with the specifications on file in the office of Wm. Schutt & Associates, P.C., subject to financing, and

**BE IT FURTHER**

**RESOLVED**, that resolved that the Supervisor is hereby authorized to execute these contracts on behalf of the Town of Lancaster and to do all things necessary to effectuate the intent of this resolution, and

**BE IT FURTHER**

**RESOLVED**, that resolved that the following amendment to the 2009 adopted budget of the Town of Lancaster be and hereby is approved

<b>RECREATION FILING FEE FUND</b>	<b>Increase</b>
37-599 Appropriated Fund Balance	104,580
37-960 Budget Appropriations	104,580
037-9901.9 Transfer to Capital Projects Fund for Band Shell Project	104,580

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER ABRAHAM	VOTED YES
COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED NO
SUPERVISOR GIZA	VOTED YES

March 16, 2009

THE FOLLOWING RESOLUTION WAS OFFERED  
BY SUPERVISOR GIZA, WHO MOVED ITS  
ADOPTION, SECONDED BY COUNCIL  
MEMBER ABRAHAM, TO WIT:

**RESOLVED**, that the following Audited Claims be and are hereby ordered paid from  
their respective accounts as per abstract to be filed in the Office of the Town Clerk by the Director  
of Administration and Finance, to wit:

Claim No. 7081 to Claim No. 7323 Inclusive

Total amount hereby authorized to be paid: \$474,609.33

The question of the foregoing resolution was duly put to a vote on roll call which  
resulted as follows:

COUNCIL MEMBER ABRAHAM	VOTED YES
COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

March 16, 2009

File: Rclaims

THE FOLLOWING RESOLUTION WAS OFFERED  
BY COUNCIL MEMBER STEMPNIAK, WHO  
MOVED ITS ADOPTION, SECONDED BY  
COUNCIL MEMBER RUFFINO, TO WIT:

**RESOLVED** that the following Building Permit applications be and are hereby reaffirmed:

**CODES:**  
**(SW)** = Sidewalks as required by Chapter 12-1B. of the Code of the Town of Lancaster are waived for this permit.  
**(CSW)** = Conditional sidewalk waiver  
**(V/L)** = Village of Lancaster

**PREVIOUSLY TABLED PERMITS:**

16415	Grau Builders	11 Logan Ln	Er. Dwlg.-Sin.
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**NEW PERMITS:**

16473	Marrano/Marc Equity	44 Avian Way	Er. Dwlg.-Sin.
16474	Thomann, Eric	28 Chicory Ln	Er. Shed
16475	Town of Lancaster IDA	348 Harris Hill Rd	Er. Garage
16476	Neth & Son	15 Biscayne Dr	Re-Roof House
16477	Neth & Son	10 Traceway	Re-Roof House
16478	Neth & Son	18 Quail Run Ln	Re-Roof House
16479	Guard Contracting Corp	142 Laverack Ave	Dem. Comm Bldg (V/L)
16480	Iroquois Fence Co	16 Shadyside Ln	Er. Fence
16481	North Forest Development	2829 Wehrle Dr	Er. Sign-Wall Suite 1
16482	North Forest Development	2829 Wehrle Dr	Er. Sign-Wall Suite 2
16483	North Forest Development	2829 Wehrle Dr	Er. Sign-Wall Suite 3
16484	Superior Decks	398 Seneca Pl	Er. Deck
16485	Forbes Homes Inc	38 Wainwright Ct	Er. Dwlg.-Sin.
16486	Natale Building Corp	38 Nicholas Ln	Er. Dwlg.-Sin.
16487	Allen Electric	4703 Transit Rd	Er. Comm. Add./Alt.
16488	Crist Construction	5 Butler Dr	Er. Garage
16489	Buffalo Sign Makers	4401 Walden Ave	Er. Sign-Wall
16490	Stephen's Heating	1110 Ransom Rd	Er. Dwlg.-Sin.

**BE IT FURTHER**

**RESOLVED**, that the Building Permit Applications herein coded (SW) for sidewalk waiver be and are hereby reaffirmed with a waiver of the Town Ordinance requirement for sidewalks, and

**BE IT FURTHER**

**RESOLVED**, that the Building Permit Applications herein coded (CSW) for conditional sidewalk waiver be and are hereby reaffirmed with a waiver of the Town Ordinance required for sidewalks, however, the waiver is granted upon the expressed condition that the Town of Lancaster, at any future date, reserves the right to order sidewalk installation at the expense of the property owner.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER ABRAHAM	VOTED YES
COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

**SUSPENDED RESOLUTION:**

Supervisor Giza requested a suspension of the necessary rule for immediate consideration of the following resolution:

UPON A MOTION DULY MADE BY COUNCIL MEMBER RUFFINO,  
SECONDED BY COUNCIL MEMBER AMATURA AND CARRIED a suspension was granted.

**SUSPENSION GRANTED**

THE FOLLOWING RESOLUTION WAS OFFERED  
BY SUPERVISOR GIZA, WHO  
MOVED ITS ADOPTION, SECONDED BY  
COUNCIL MEMBER ABRAHAM, TO WIT:

**WHEREAS**, the Office of the Superintendent of Highways provides  
indispensable duties including maintaining highways & drainage ditches throughout the Town, snow  
plowing, road patching and paving, pick-up of wood debris, etc., and

**WHEREAS**, the Highway Superintendent is duly elected by the voters, giving the  
residents a say in the process and providing the checks and balances with the Highway Superintendent  
being accountable to the electorate, and thereby promoting accountability within government, and

**WHEREAS**, Part NN, Sections 26 through 28, of S.56-a/A.156-a, Public  
Protection and General Government Article VII of the Governor’s Budget Bill will permit a Town  
Board to convert the office of the Highway Superintendent from an elected to an appointed position,  
subject to a permissive referendum, and

**WHEREAS**, Municipal Home Rule already requires a mandatory  
referendum to occur before any change in an elected office could occur, and

**WHEREAS**, a Mandatory Referendum would require the affirmative vote of the  
electorate at a biennial or special election, and

**WHEREAS**, a permissive referendum technically can be passed without any public  
comment thus taking away the voice and the choice of the residents to choose who they want as their  
representative, and

**WHEREAS**, a permissive referendum is a cumbersome, inefficient and time  
consuming process, and

**WHEREAS**, there is no cost efficiency in an appointed position versus an elected  
position because the duties and overhead are the same;

**NOW, THEREFORE, BE IT**

**RESOLVED**, that in the interest of its residents and good, efficient, cost effective government the Town Board of the Town of Lancaster is opposed to Part NN, Sections 26 through 28, of S.56-a/A.156-a, Public Protection and General Government Article VII of the NYS Governor's Bill, and

**BE IT FURTHER**

**RESOLVED** that the Town of Lancaster appeals to its State Officials to oppose to Part NN, Sections 26 through 28, of S.56-a/A.156-a, Public Protection and General Government Article VII of the NYS Governor's Bill to convert the Office of the Highway Superintendent from an elected to an appointed position and requests that a copy of this resolution be forwarded to Governor David Paterson, and the Western New York delegation of the New York State Senate & Assembly, the Honorable Sheldon Silver and the Honorable Malcolm Smith.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER ABRAHAM	VOTED YES
COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

March 16, 2009

**EXECUTIVE SESSION:**

AT 9:34 P.M., UPON A MOTION DULY MADE BY COUNCIL MEMBER RUFFINO, SECONDED BY COUNCIL MEMBER STEMPIAK AND CARRIED, the Town Board entered into Executive Session to deliberate on the announced purpose of discussing contractual matters regarding Town Hall addition, a particular personnel matter, a contractual matter regarding the Walden Avenue facility and a contractual matter regarding real estate.

At 11:31 P.M., the Town Board reconvened with all members present. The Town Clerk reported that no official actions were taken by the Town Board in Executive Session.

At the completion of the Executive Session, the Supervisor requested a Suspension of the Rules to consider two (2) actions.

**SUSPENDED RESOLUTIONS:**

Supervisor Giza requested a suspension of the necessary rule for immediate consideration of the following resolutions:

UPON A MOTION DULY MADE BY COUNCIL MEMBER RUFFINO AND SECONDED BY COUNCIL MEMBER ABRAHAM AND CARRIED, a suspension was granted.

**SUSPENSION GRANTED**

THE FOLLOWING RESOLUTION WAS OFFERED  
BY COUNCIL MEMBER STEMPNIAK, WHO  
MOVED ITS ADOPTION, SECONDED BY  
COUNCIL MEMBER ABRAHAM, TO WIT:

**WHEREAS**, the Twin District Volunteer Fire Company, Inc., by letter dated March 13, 2009 and received March 16, 2009 has requested the addition of a member to the roster of said fire association.

**NOW, THEREFORE, BE IT**

**RESOLVED**, that the Town Board of the Town of Lancaster hereby confirms the addition to the membership of the Twin District Volunteer Fire Company the following individual:

**ADDITION:**

Steven Battaglia, Jr.  
Lancaster, New York 14086

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER ABRAHAM	VOTED YES
COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

March 16, 2009



THE FOLLOWING RESOLUTION WAS OFFERED  
BY COUNCIL MEMBER AMATURA, WHO  
MOVED ITS ADOPTION, SECONDED BY  
COUNCIL MEMBER RUFFINO, TO WIT:

**WHEREAS**, the Town Board has previously duly advertised for bids for General Construction, Mechanical/Plumbing Installation and Electrical Installation for Town Hall Expansion/Addition, and

**WHEREAS**, bids were received, opened and reviewed on January 15, 2009, and

**WHEREAS**, the Town Board, after due review has determined to elect its right reserved, as reserved in the bid documents, to reject all bids received for General Construction, Mechanical/Plumbing Installation and Electrical Installation for Town Hall Expansion/Addition.

**NOW, THEREFORE, BE IT**

**RESOLVED**, that the Town Board hereby rejects all bids received for General Construction, Mechanical/Plumbing Installation and Electrical Installation for Town Hall Expansion/Addition, pursuant to the rights reserved to the Town in the bid documents and directs the Clerk to so advise the bidders and return any bid bond posted in accordance with the bid specifications.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER ABRAHAM	VOTED YES
COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

March 16, 2009

## COMMUNICATIONS & REPORTS

95. Supervisor to Erie County Director of Real Property Tax Services -  
Request for extension of warrant to collect 2009 County/Town Taxes. DISPOSITION = Received & Filed
96. Honorable Dale M. Volker, NYS Senator to NYS Division of Housing & Community Renewal -  
Letter expressing support for proposed Catholic Health Systems apartment project at St. Elizabeth's Home in the Village of Lancaster. DISPOSITION = Received & Filed
97. Arbor Day Foundation to Supervisor -  
Letter of congratulations to Town for achieving Tree City USA status for 2008. DISPOSITION = Received & Filed
98. Lancaster Town Band Inc to Supervisor -  
Request to use land adjacent to and behind the Youth Bureau for the 2009 summer concert series. DISPOSITION = Received & Filed
99. Town Clerk to Town Board -  
Monthly report for February 2009. DISPOSITION = Received & Filed
100. Town Clerk to Town Board -  
Transmittal of first settlement payment for 2009 County/Town Tax Warrant. DISPOSITION = Received & Filed
101. Wm. Schutt & Associates, PC to Town Board -  
Recommendation to award contracts for construction of Lancaster Band Shell to lowest responsible bidders. DISPOSITION = Resolution 3/16/09
102. University of Buffalo, Director of Census Partnerships to Town Clerk -  
Letter regarding the 2010 Federal Census. DISPOSITION = Received & Filed
103. General Crew Chief to Town Board -  
Request to deem certain items as surplus equipment for auction. DISPOSITION = Received & Filed
104. Erie County Executive & Commissioner of Parks, Recreation and Forestry to Town Board -  
Letter of appreciation to Rose Piccolo for arranging the 2009 Winterfest at Chestnut Ridge Park. DISPOSITION = Received & Filed
105. NYS Office of Real Property Services to Town Assessor -  
Notice of determination for the Residential Assessment Ratio for the Town. DISPOSITION = Received & Filed
106. Planning Board Chairman to Town Attorney -  
Transmittal of study results of zoning ordinance parking requirements with request to prepare draft to modify Town Code. DISPOSITION = Received & Filed
107. Christine A. Taberski to Town Board -  
Comments and concerns regarding proposed rezone of 3568 Walden Avenue. DISPOSITION = Planning Committee
108. Erie County Community Planning Coordinator to Supervisor -  
Transmittal of information regarding allocation of additional funds for the Erie County Community Development Block Grant Program. DISPOSITION = Received & Filed
109. General Crew Chief to Planning Board, Council Members Abraham, Ruffino, & Stempniak -  
Notice of approval by Town Forestry Department of landscape plan for Benderson Retail Building, 4931 Transit Road, eastern portion. DISPOSITION = Planning Committee

110. Town Attorney to Town Board, Planning Board, Building Inspector, Town Engineer, Town Clerk -  
Notice of SEQR meeting to be held Monday, March 16, 2009, 6:30 PM regarding rezone petition of 81 & 3 of Florida, 5497 Genesee Street and site plan of Benderson Retail Building, 4931 Transit Road, eastern portion. DISPOSITION = Received & Filed
111. Town Clerk to Various News Media -  
Notice of SEQR meeting to be held Monday, March 16, 2009, 6:30 PM regarding rezone petition of 81 & 3 of Florida, 5497 Genesee Street and site plan of Benderson Retail Building, 4931 Transit Road, eastern portion. DISPOSITION = Received & Filed
112. Village of Lancaster to Town Board -  
Minutes of meeting held February 23, 2009. DISPOSITION = Received & Filed
113. Addison Law Firm to Town Clerk -  
Notice of liquor license renewal application for Fox Valley Beverage Corp. (d.b.a. Fox Valley Club). DISPOSITION = Town Clerk
114. Planning Board Chairman to Planning Board, Town Board, Engineering Consultant, Town Attorney, Highway Superintendent, Building Inspector -  
Draft copy of minutes of meeting held March 4, 2009. DISPOSITION = Received & Filed
115. Planning Board to Town Board -  
Recommend approval of site plan for Benderson Retail Building, 4931 Transit Road, eastern portion; conditions noted. DISPOSITION = Planning Committee
116. Planning Board to Town Board -  
Recommend to deny rezone petition of 81 & 3 of Florida, 5497 Genesee Street; comments noted. DISPOSITION = Received & Filed
117. Hopkins & Sorgi to Town Attorney -  
Request for placement of Benderson Retail Building, 4931 Transit Road site plan review on Municipal Review Committee agenda. DISPOSITION = Received & Filed
118. Hopkins & Sorgi to Council Member Stempniak -  
Request to attend work session of Town Board on March 16, 2009 regarding Benderson Retail Building, 4931 Transit Road. DISPOSITION = Received & Filed
119. Town of Cheektowaga to Town Board -  
Notice of public hearing to be held on Wednesday, March 18, 2009, 7:00 PM regarding application for special use permit, 53 Jessica Lane. DISPOSITION = Received & Filed
120. General Crew Chief to Supervisor -  
Request appointment of Rose Ann Brunstad to position of Clerk Typist.  
DISPOSITION = Resolution 3/16/09
121. Denise Cloen to Supervisor -  
Letter of appreciation for the clearing of debris from creek near her house. DISPOSITION = Received & Filed

**ADJOURNMENT:**

**ON MOTION OF COUNCIL MEMBER ABRAHAM, SECONDED BY COUNCIL MEMBER AMATURA AND CARRIED,** the meeting was adjourned at 11:33 P.M. in memory of Herbert Stoldt, Jesse Bunch and Jim Westerling.

Signed \_\_\_\_\_  
Johanna M. Coleman, Town Clerk